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5 UNITED STATES DISTRICT COURT  
6 EASTERN DISTRICT OF WASHINGTON

7 UNITED STATES OF AMERICA, ex  
8 rel., RANDOLPH PETERSON, et al,

9 Plaintiffs,

10 v.

11 PORT OF BENTON COUNTY, et al.,

12 Defendants.

NO: 2:17-CV-0191-TOR

ORDER GRANTING STIPULATED  
MOTION TO DISMISS; DENYING  
AS MOOT THE MOTION FOR  
PARTIAL SUMMARY JUDGMENT

13  
14 BEFORE THE COURT is the Parties' Stipulated Motion to Dismiss (ECF  
15 No. 225). The Parties request the Court dismiss Plaintiffs Tri-City Railroad  
16 Company, LLC and Randolph Peterson's claims for negligence, nuisance, third-  
17 party breach of contract, and tortious interference with the 2002 Port of  
18 Benton/TCRY Lease against all Defendants with prejudice and without fees or  
19 costs to any party. ECF No. 225 at 2-3. The Parties further "stipulate that the  
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ORDER GRANTING STIPULATED MOTION TO DISMISS; DENYING AS  
MOOT THE MOTION FOR PARTIAL SUMMARY JUDGMENT ~ 1

1 Defendants' Motion for Partial Summary Judgment" at ECF No. 202 is now "moot  
2 and should be denied as such." ECF No. 225 at 2.

3 Pursuant to Federal Rule of Civil Procedure 41(A)(ii), the Stipulated Motion  
4 to Dismiss (ECF No. 225) is **granted**. The pending Motion for Partial Summary  
5 Judgment (ECF No. 202) is **denied as moot**.

6 **ACCORDINGLY, IT IS HEREBY ORDERED:**

7 1. The Parties' Stipulated Motion to Dismiss, ECF No. 225, is **GRANTED**.

8 The claims for negligence, nuisance, third-party beneficiary breach of  
9 contract, and tortious interference with the 2002 Port of Benton/TCRY  
10 Lease against all Defendants are **dismissed with prejudice** and without  
11 an award of costs or fees to any party.

12 2. The Motion for Partial Summary Judgment, ECF No. 202, is **DENIED**  
13 **AS MOOT**.

14 The District Court Executive is hereby directed to enter this Order and  
15 furnish copies to all counsel.

16 DATED November 21, 2019.



*Thomas O. Rice*

THOMAS O. RICE  
Chief United States District Judge